

Date: Tuesday, 13 February 2018

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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SOUTH PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

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SOUTH PLANNING COMMITTEE		
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Date: 13 th February 2018		
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Item No.	Application No.	Originator:
6 & 5	SC/MB2005/0336/BR & 17/03661/EIA	SC Planning Policy
<p>The environmental policy team leader has provided the following clarification regarding the planning policy status of the Woodcote Wood site:</p> <p>In policy terms, the principle of mineral working at the Woodcote Wood site was established through a site allocation which followed a detailed comparison against alternatives, most particularly the prospect at Pave Lane, by Inspector Anthony Vaughan as part of the examination of the Joint Shropshire and Telford & Wrekin Minerals Local Plan (2000). This was subsequently reinforced by a positive planning committee resolution, following very detailed consideration of the full range of material planning issues. In the context of an extended period of on-going dialogue regarding the development of the site, Shropshire Council chose to treat the site as an unworked site commitment, rather than re-allocating it in the subsequent SAMDev Plan (2015), since the principle of its acceptability for mineral working had continued to remain unchanged.</p> <p>The status of the Woodcote Wood site is explicitly referenced as an 'unworked site commitment' in the SAMDev Plan and this status has been consistently referenced as part of the latest, and previously published AMR's / LAA's. This status recognises that:</p> <ul style="list-style-type: none"> • The site was allocated in the joint MLP 2000, following a detailed comparison by the Inspector of the site against alternatives, particularly Pave Lane; • It was subsequently the subject of a resolution to grant planning consent by Shropshire County Council's planning committee, following much more detailed consideration of all the relevant material planning considerations, although this consent was not issued in the absence of a completed planning legal agreement; • In local plan terms, this means that the principle of the acceptability of the site has been established and this obviates the need for it to continue to be identified as a site allocation, hence 'unworked site commitment'; • The SAMDev Inspector's report introduced Main Modifications which demonstrate that both the Inspector and the MPA (see Statement of Common Ground p.1): http://shropshire.gov.uk/media/8261/ev108-sc-mpa-statement-of-common-ground-17-10-14.pdf had explicitly considered and endorsed recognition of the Woodcote Wood site as an 'unworked site commitment' (para 127, P.33): http://shropshire.gov.uk/media/8232/samdev-plan-inspectors-report.pdf and (MM28, p. 15): http://shropshire.gov.uk/media/7676/samdev-plan-schedule-of-main-modifications-june-2015.pdf <p>Clearly the planning committee will need to consider carefully whether there have been any material changes to the site proposal since the original resolution, but it's agreed status as an unworked commitment means that it is quite unlike the level of consideration which would need to be given to a windfall site (e.g. under Policy MD5) which did not benefit from the previous detailed consideration referenced above'.</p>		
Item No.	Application No.	Originator:
6 & 5	SC/MB2005/0336/BR & 17/03661/EIA	SC Highways Consultant
<p>The following comments have been received in response from SC Highways Consultant:</p> <p>Having undertaken further site investigations and reviewed the revised details submitted, it is considered that the proposed simple priority junction arrangement to serve this prospective development is acceptable. Page 1</p>		

At the time of my latest visit the B4379 was closed to through traffic due to road works, and that temporary traffic signals were in operation on the A41 approximately 1 mile north of the site, at Pave Lane. The traffic passing the site was considered to be unencumbered and in free flow and generally consistent with the previous traffic surveys undertaken. However, due to the road closure of the B4379, the activity at its junction with the A41 was unlikely to be fully representative of normal activity. With only 3 vehicles (2 LGV and 1 car) observed turning right from the A41 into B4379, and only 2 vehicles exiting the B4379 onto the A41 (1 LGV right and 1 LGV left), in the 40mins of observation. Therefore, it could be expected that traffic speeds, on this occasion, along the A41, could have been slightly elevated, but not unduly so, due to the lack of vehicles slowing down and making turning manoeuvres at the existing junction (B4379).

It is considered that a simple priority (T) junction, at this location, will have a positive effect on passing traffic. Insofar as, the additional vehicles, particularly HGVs, slowing down to make turning movements, will effectively 'slow' following traffic, and with the increased visibility of the B4379 junction, this 'slower background traffic will improve movements in/out of this junction. Similarly, the same situation will exist in the opposite direction, resulting in both junctions complementing each other and aiding general highway safety, at this location

It was also noted that the much of the vegetation has already been cleared from behind the frontage boundary wall within the site, and it can be clearly seen that with the removal, and/or setting back, of the boundary wall that the potential visibility from the proposed site access, and the adjacent junction (B4379) would be significantly improved. Together as the forward visibility of these two junctions along the A41.

In addition, the depression and alignment change in the carriageway of the A41, at its junction with the B4379, is considered unlikely to be severe enough to compromise the visibility splay proposed. This is also demonstrated by the visibility long section drawing (J32-3161-PS-016) supporting the revised access arrangement.

In the circumstances, WSP remains of the opinion that the use of a simple priority junction arrangement, at this location, with appropriate visibility splays (based on actual vehicle speed readings) will be an acceptable form of access serving the development proposed. Such a scheme will also provide significant betterment to adjacent A41/B4379 junction, by providing visibility across the site frontage.

Furthermore, I acknowledge that the applicant can only influence land which is in their control. Therefore, it is considered that given the potential substantial cost savings likely to be forthcoming from the construction of a simple priority junction, rather than the previously proposed 'ghost island' junction. Then the applicant should be encouraged to make a reasonable financial contribution to the Council (via S106) to enable the highway authority to undertake appropriate negotiations with the adjacent 3rd party landowners. So that appropriate highway visibility improvements at the A41/B4379 junction, can be considered and delivered by the Council to better serve the local community aspirations, as well as further improve road safety at this location.

Notwithstanding the above, concern has been raised by objectors to this development that the required 'road design standards' have not been addressed in the consideration of this planning application, and in particular the letter from Woodsyde Developments Ltd.

It is considered that the Technical Note, prepared by Mode Transport Planning, submitted to support the revised access Page 2 effectively addresses most of the

points raised by Mr Gough (Woodsyde).

Although, it should be clarified the use of the Design Manual for Roads & Bridges (DMRB), as cited by Woodsyde, specifically relates to trunk roads and motorways, only. Therefore, its use by the Council, on the local highway network is discretionary, and not considered appropriate given the location of this application and the existing highway circumstances/constraints of the A41.

In addition, concern has been raised regarding the Highway Authority's reversal of a previous requirement for a new roundabout being introduced at the A41/B4379 junction, associated with the development of this site. It should be clarified, this request for roundabout junction was specific to the proposed access to the site being directly off the B4379, requiring all traffic associated with the development, and in particularly HGVs, making a right turn manoeuvre from the B4379 onto the A41. Therefore, it is not appropriate to require such a junction improvement at this location on this planning application as all associated traffic movements for the development are already confined to the A41 corridor. Thereby, failing to comply with the required Planning Tests and making such a request 'unreasonable and/or not directly related to the development'.

The current proposal is considered to meet the required planning tests, and the previous 'no objection' response (20/09/17), subject to conditions, etc. remains valid.

Item No.	Application No.	Originator:
6 & 5	SC/MB2005/0336/BR & 17/03661/EIA	SC Highways
The Council's Highways Development Management officer has confirmed that a condition can be attached to any permission granted for 17/03661/EIA in order to restrict right turning movements. A Traffic Regulation Order would be difficult to achieve, as one arm will be a private road. The other options is to include the restriction in the proposed legal agreement. The highways officer is in agreement that the construction management plan can control movements during construction. With regard to the B4379 junction, then the additional land can form part of a dedication agreement between Shropshire Council and the Land owner.		
Item No.	Application No.	Originator:
6 & 5	SC/MB2005/0336/BR & 17/03661/EIA	Case Officer

Additional recommendations:

1) Flexibility in wording conditions:

Given the complexity of the above applications and the associated recommended conditions it is requested that, if Members are minded to accept the officer recommendations, officers are given some flexibility to make minor non-material changes to the detailed wording of conditions, if necessary. If any material changes are deemed to be necessary then the application(s) would be reported back to committee. Approval is therefore sought to delegate the issue of the decision to the Planning Services Manager subject to the conditions including any minor amendments considered necessary and subject also to the s106 agreement accompanying application 17/03661/EIA.

2) Timing of issue of decisions:

If Members are minded to accept the officer recommendations it is suggested that an additional stipulation be added to the recommendations requiring that the permission for application SC/MB2005/0336/BR is not issued until the permission for application 17/03661/EIA has been issued (following completion of the associated legal agreement). This would avoid the situation whereby application SC/MB2005/0336/BR was issued

without the means of access to the site having first been secured under decision 17/03661/EIA.

3) Notifying Secretary of State

As Environmental Statement applications the Secretary of State will need to be notified of any decisions to approve the applications prior to issuing any decisions.

Item No.	Application No.	Originator:
6 & 5	SC/MB2005/0336/BR & 17/03661/EIA	Conservation Officer

The application site for sand and gravel extraction lies within the boundary of the historic parkland associated with Woodcote Hall, which, together with its associated church – which is Grade II* listed – and ancillary service buildings, is Grade II listed. These assets lie to the north of the site, and are well screened as a result of intervening topography and mature tree cover. The site of a former pheasantry and the extant associated keeper's dwelling, which are likely to date to the same period as the Hall and the laying out of the estate in the mid-19th century, lies in close proximity to the east of the extraction area and within the area proposed for machinery and plant, outside this application boundary but covered by a parallel application. These would be considered to be non-designated heritage assets, together with the sandstone boundary walls along the roads to the east and south of the site.

In considering this application for planning permission, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance. Chapter 12 of the NPPF is of most relevance. Each of the above makes specific provision for the protection of the historic environment as a key element in the promotion of local distinctiveness as part of sustainable development.

As the proposal is located in close proximity to the designated heritage assets identified above, the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant, as the Act identifies the need to pay special regard to the preservation of listed buildings and their settings. Paragraph 135 of the NPPF makes provision for the consideration of non-designated heritage assets, where their significance is likely to be affected.

The Heritage Assessment provided as part of the Environmental Statement has addressed the potential effects of the extraction site on the setting of heritage assets in the immediate vicinity and within a 1km radius; wider landscape setting impacts have been assessed in the accompanying LVIA. We concur with the findings of these assessments, and agree with the mitigation measures proposed, which will result in a neutral effect on the landscape setting through the retention and replanting of woodland swathes on all boundaries. Together with the distance and form of intervening topography, the impact on the setting of the heritage assets is negligible and their significance preserved.

The recent application 17/03661/EIA, to extend the site to the East for the provision of plant and processing, and provide site offices in the former Keeper's Cottage, which will be restored, has been the subject of a separate response. The use of appropriate materials in this work and re-use of stone from the boundary wall is essential to enhance the character and local distinctiveness of the surrounding built environment and historic landscape. As the details of these have not been submitted at this stage, conditions to control the above elements would be recommended as follows: all materials should match existing or be reclaimed, based on the principle of re-use and repair on a like for like basis.

Item No.	Application No.	Originator:
6 & 5	SC/MB2005/0336/BR & 17/03661/EIA	Telford & Wrekin Council
<p>(i) That Telford & Wrekin Council agrees with the recommendation to approve planning application 17/03661/EIA subject to the planning conditions and legal obligations set out in Appendix 1 of the Development Management Report, and</p> <p>(ii) That Telford & Wrekin Council agrees with the three recommendations in respect of planning application SC/MB2005/00336/BR relating to 1. the approval of the application subject to the planning conditions set out in the Development Management Report, 2. the requirement for the legal agreement to be transferred to planning application 17/03661/EIA and 3. for this application to be reported back to Committee in the event of application 17/03661/EIA not being approved</p>		
Item No.	Application No.	Originator:
6 & 5	SC/MB2005/0336/BR & 17/03661/EIA	Objectors, Mr Bubb & Mr Kitching
<p>A further objection has been received from an adjacent landowner supporting the rival Pave Lane application. This includes the comments of a highways consultant who makes the following points with respect to the applicant's Road Safety Audit:</p> <p>Further to our recent formal representations to you we are writing again following the publication of your Highway Officer's comments made on the 1st February 2018 with regard to the Stage 1 Road Safety Audit (RSA) for the scheme. These comments are made on behalf of my client, Mr Michael Bubb. Having reviewed the RSA and your Highway Officer's email of the 1st February 2018 we are concerned that on such a contentious matter the Council has either misunderstood or misinterpreted the RSA process. You will be aware that the RSA process should be undertaken in line with the technical guidance contained in DMRB HD 19/15 Road Safety Audit. This document sets out the procedures and processes that should be followed through the audit process for all parties, which includes the Audit Team, the Scheme Promoter and the Design Team. Having reviewed the Audit it is quite clear that for the following reasons the audit has not been carried out in line with HD 19/15. The audit team has not been provided with a clear audit brief, which should have contained:</p> <ul style="list-style-type: none"> • scheme drawings showing the full geographical extent of the scheme • details of approved Departures and Relaxations from Standards • general scheme details, including design speeds, speed limits, traffic flows, forecast flows, queue lengths, non-motorised user flows and desire line • any relevant factors which may affect road safety such as adjacent developments • if the scheme location should be visited at a particular time of day or night (it is noted the audit was undertaken on a Saturday, when mainline traffic flows would be lower than on a weekday) • the previous 36 months accident data, covering the extent of the scheme and adjoining sections of highway • any previous road safety audit reports and exception reports • details of appropriate police contacts and site access arrangements <p>For a robust audit to have taken place the Design Team should have also provided the Audit Team with a copy of the submitted Transport Assessment (TA), which included the original ghosted right turn access proposal, the Personal Injury Collision data, the Annual Average Daily Traffic flow data and justification for the need for that access formation.</p> <p>It is noted in section 2 of the RSA that the only information passed to the Audit Team for review was the site layout plan, the swept path analysis and the proposed simple priority junction layout. Traffic count data and collision data was also provided separately, but notably the original TA and the Designer's comments on the appropriateness of a ghosted right turn junction were excluded. No information on any Departures from Standard was provided to the Audit Team.</p> <p>Moving on to the production of the Audit Report, following the Audit Team's preparation of their report, this document should have been sent and discussed with the Project Sponsor, before sending to the Design Team to prepare a RSA Response Report, which should be prepared in line with the HD 19/15 Standard. Paragraph 3.1 in Section 3 in HD 19/15 states:</p> <p><i>"It is the Project Sponsor's responsibility to ensure that all problems raised by the Road Safety Audit Team are given due consideration. To assist with this, the Design Team must prepare a Road Safety Audit Response Report (my emphasis) to the Road Safety Audit Report at the Stage 1, Combined 1 & 2, Stage 2 and Stage 3 Road Safety Audits."</i></p> <p>The report should contain:</p>		

- a summary of the scheme, the RSA Stage, the document reference and date of the RSA
- full consideration of each problem and recommendation raised in the RSA Report
- a review of each problem and recommendation made, followed by a suggested RSA response from the Design Team (the document should also include the problem location plan provided in the Road Safety Audit Report.
- the RSA Response Report should either a) accept the problem and recommendation made by the Road Safety Audit Team; b) accept the problem raised, but suggest an alternative recommendation, giving reasoning for the alternative recommendation or; c) disagree with the problem and recommendation raised, giving appropriate reasoning for rejecting both the problem and recommendation.
- the details of the representatives from the Design Team who prepared the RSA Response Report.

With no RSA Response Report being prepared the Stage 1 RSA process is incomplete, as the Design Team has not clearly demonstrated their consideration of the matters raised in the RSA, and explained their acceptance (or otherwise) of the problems and recommendations. The lack of Response Report being prepared or submitted has been confirmed by the Council's Highway Officer (Ms Gemma Lawley) in her email correspondence of the 1st February 2018.

To demonstrate the importance of the RSA process the Audit Team has clearly stated in para 3.1 in the RSA that:

"The level of traffic arriving from the north is unknown. The absence of physical measures to enforce the right turn ban from the A41 (my emphasis) may tempt some drivers to turn right from the A41. increasing the risk of collision with oncoming traffic. In addition those drivers wishing to access the site from the north who comply with the restricted right turn may attempt to carry (out) a U-turn manoeuvre south of the access which could also increase the risk of collisions on the A41."

The Audit team's recommendation stated:

"Ensure the right turn ban is self-enforcing (my emphasis) and provide a Route Management Plan to ensure all traffic accesses the site from the south."

Ms Lawley's 1st February 2018 email confirms the Designer's Response Report has not been prepared and submitted with the RSA. There is no formal response to the recommendation that the right turn ban is self-enforcing (a physical restriction), and the banning of right turning traffic will be wholly reliant on a route management plan and signage. The Scheme Designer has also remained silent on the risk of drivers attempting to carry out a U-turn manoeuvre at the B4397 simple priority junction. This is considered unacceptable and also unreasonable for Council Officers to expect a Planning Committee to form a judgement on the suitability of a proposed access arrangement without a full Audit and Designers Response Report for them to review, which should include commentary on these points.

Turning to the advice given by the Council's term consultants (WSP) in Ms Lawley's email we note that they consider the access proposals assessed in the RSA will have the "least negative road safety impact". This comment, made when the RSA team has explicitly stated in their recommendation that "the right turn ban should be self-enforcing" is factually incorrect and sets a dangerous precedent for the Council when considering highway schemes.

You are aware that the applicant has already presented a more "positive" access strategy in their own TA submitted with this planning application. Their original access strategy delivered a positive approach to highway safety, and acknowledged the current AADT flows and collision statistics on the A41. A positive access strategy would deliver a scheme in the form of a ghosted right turn facility or roundabout junction, both of which have been previously considered as access arrangements for the site.

The lack of any RSA Designers Response means there is no justification whatsoever as to why the Council should accept, in the words of the Council's term consultants, the "least negative" access strategy as being acceptable in this location in highway safety terms.

(Note: Highway matters including the adequacy of the road safety audit are addressed in sections 7.20 – 7.31 of the officer report for application 17/03661/EIA and the comments of the preceding section from the Council's highway consultants WSP. Highway officers maintain that the design of the proposed quarry access is acceptable)

Item No.	Application No.	Originator:
6 & 5	SC/MB2005/0336/BR & 17/03661/EIA	Agent response to Mr Kitching (above)

The following comments from the agent are addressed to the Pave Lane landowner's highways consultant and have been copied to the Council:

...The assessments you are using relate to Major Trunk Roads and are provided as a practice guide for roads within the responsibility of Highways England. Within Shropshire

County Council's domain, the following roads fall within Highways England responsibility: M54, A5, A483, A49 and the A58.

The use of DMRB by the local Highways Authority on roads they are responsible for is discretionary when considering junction designs on principal county highways. Specifically DMRB relates to trunk roads and motorways only. I have reviewed the Safety Audit trail and I am satisfied all the requirements have been met by the Highway Consultants employed by the applicant and the independent audit Highway Consultant. Information has been passed to the local authority on this matter. Within the junction design other matters have been considered. This includes improvements to the junction of the B4379 by providing better sightlines for vehicles leaving this road. Within the 106 Agreement there is a financial contribution towards further improvements including signage. Your comments are at odds with two reputable highway consultants and the highways officer representing Shropshire County Council'...

Item No.	Application No.	Originator:
6 & 5	SC/MB2005/0336/BR & 17/03661/EIA	Objector, Mr Bubb & case officer response

The Pave Lane landowner has objected that soil stripping work in connection with the quarry development has taken place prematurely in advance of any planning decision.

The officer would acknowledge that some soil stripping has been undertaken at the site. The applicant has confirmed however that this has been undertaken in connection with managed forestry operations which have involved clear felling of the timber crop at the centre of the site. Some removal of topsoil has been necessary in order to facilitate this and prevent damage to the soil resource within the site, due to the potential for compaction by heavy forestry machinery. Such works are considered in this instance to comprise permitted development falling within the provisions of Schedule 2, part 6 of the Town and Country Planning (General Permitted Development) Order 2015. The opportunity would exist to replace the stripped soils in the event that the current quarrying applications are not approved. The soil stripping is not considered in this instance therefore to constitute premature development of the quarry site.

Item No.	Application No.	Originator:
6 & 5	SC/MB2005/0336/BR & 17/03661/EIA	Knights Solicitors acting for the Pave Lane applicant and officer response

Solicitors acting for the Pave Lane applicant have suggested that due to the time scale which has elapsed since the original committee approval resolution both applications should be withdrawn and a new combined application should be submitted.

The officer would note that there is no time limit which would prevent application SC/MB2005/0336/BR from being reported back to committee at this stage. The reasons for the delay are clearly explained in the report. The main requirement is that the planning authority must have regard to any material change in circumstances (factual, policy, legal) between resolution to grant and any actual grant. The officer report considers these matters in detail and concludes that there have been no material changes in the intervening period which would call into question the original approval resolution. The inter-relationship between applications SC/MB2005/0336/BR & 17/03661/EIA is clearly explained in both reports.

Item No.	Application No.	Originator:
7	16/01608/FUL	Case Officer
<p>Following receipt of agreement from the applicant's agent the description of the proposed development has been amended to include the septic tank proposals. The description is amended to read as follows:</p> <p style="text-align: center;">'Erection of replacement dwelling and installation of septic tank'</p>		
Item No.	Application No.	Originator:
8	17/05426/VAR	Local Ward Cllr Robert Tindall
<p>"Along with Chelmarsh Parish Council I object to this application on the grounds that a marquee situated near neighbouring dwellings is an inappropriate structure in which live or recorded music is to be played. Marquees have no sound proofing qualities and modern amplified music tends to emphasise the lower pitches.</p> <p>Had the applicant been prepared to undertake not to use the marquee for music I would have supported the application.</p> <p>A recent application, 17/05102/FUL, which I have supported, for, amongst other items, a marquee has specifically stated that no live or recorded music will be played at all inside the marquee. Instead music will be played inside the inn where the sound proofing is considerably better. What is appropriate for an inn should be appropriate for Astbury Hall."</p>		